

## Message Text

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ACTION SS-30

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /031 W  
----- 018569

O P 231150Z FEB 74

FM AMEMBASSY SAIGON

TO SECSTATE WASHDC IMMEDIATE 1999

SECDEF WASHDC IMMEDIATE

INFO CINCPAC HONOLULU HI PRIORITY

ASD/PA WASHDC PRIORITY

USDEL FPJMT SAIGON PRIORITY

CDR JCRC NKP APRT TH PRIORITY

CINCPAC PA LNO BANGKOK TH PRIORITY

AMEMBASSY BANGKOK PRIORITY

USDAO SAIGON PRIORITY

USSAG NKP TH PRIORITY

WHITE HOUSE SIT ROOM WASHDC PRIORITY

CJCS WASHDC PRIORITY

13AF CLARK AB PI PRIORITY

COMUSMACTHAI BANGKOK THAILAND PRIORITY

C O N F I D E N T I A L SPECAT EXCLUSIVE SAIGON 2415

E.O. 11652: GDS

TAGS: MOPS VN

SUBJECT: REPATRIATION OF US DIC REMAINS FROM NORTH VIETNAM

SECDEF FOR SECRETARY SCHLESINGER

ASD/PA FOR SECRETARY FRIEDHEIM

USDEL FPJMT FOR COLONEL TOMBAUGH

MACTHAI FOR MG MELLEN

JCRC FOR BG ULATOSKI

AMEMBASSY BANGKOK FOR AMBASSADOR

PA LNO BANGKOK FOR LCOL WHITAKER

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DAO FOR MG MURRAY

WHITE HOUSE SIT ROOM FOR PRESIDENTIAL CY OFFICER

SECSTATE EXDIS

CJCS FOR SJS

COMUSSAG FOR GEN O'KEEFE

CINCPAC FOR ADM GAYLOR

13TH AF FOR CDR

1. THE DRV DELEGATION IS RAISING A QUESTION OVER WHO ISSUES  
A LETTER OF CERTIFICATION AUTHORIZING AND EMPOWERING UNITED  
STATES REPRESENTATIVE TO ACCEPT AND RECEIPT FOR THE DIC REMAINS  
AT THE TIME OF THEIR TURNOVER TO U.S. CUSTODY AND CONTROL IN  
HANOI.

2. AN EXHAUSTIVE SEARCH IN FIRLES AVAILABLE IN SOUTHEAST ASIA  
REVEAL THAT THE FOLLOWING TEXT MF THE LETTER OF CERTIFICATION  
WAS USED AT THE TIME OF THE TURNOVER OF THE POWS IN HANOI:

"LETTER OF CERTIFICATION                    25 MARCH 1973

PURSUANT TO THE AUTHORITY VESTED IN ME BY THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA AS THE CHIEF UNITED STATES DELEGATION  
TO THE FOUR PARTY JOINT MILITARY COMMISSION, I CERTIFY THAT  
COLONEL JAMES R. DENNETT, UNITED STATES AIR FORCE, IS AUTHORIZED  
AND EMPOWERED TO ACCEPT AND RECEIPT FOR REPATRIATED UNITED  
STATES AND FOREIGN PERSONNEL. IN THIS CAPACITY COLONEL DENNETT  
IS AUTHORIZED AND EMPOWERED TO PERFORM ALL DUTIES WHICH MAY BE  
ASSIGNED BY ME PURSUANT TO MY RESPONSIBILITIES AS THE SENIOR  
REPRESENTATIVE OF MY GOVERNMENT TO THE FOUR PARTY JOINT MILITARY  
COMMISSION.

G.H. WOODWARD  
MAJOR GENERAL, USA, CHIEF"

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I PERSONALLY SEE NO REASON WHY WE SHOULD NOT FOLLOW PRECISELY  
THIS SAME FORMAT AND HAVE COLONEL TOMBAUGH AS THE PRESENT  
CHIEF OF THE UNITED STATES DELEGATION TO THE FOUR PARTY JOINT  
MILITARY TEAM ISSUE THE CERTIFICATION IN THE FORMAT QUOTED  
ABOVE WHICH HAS ALREADY APPARENTLY BEEN ACCEPTED BY THE DRV.

3. THE DRV HAS STATED THAT THEY COULD ACCEPT MY CERTIFICATION  
IF IT CAN BE DONE ON STATIONERY AND WITH THE FORMAT WHICH WOULD

DISASSOCIATE ME FROM MY RESPONSIBILITIES AS AMBASSADOR TO THE REPUBLIC OF VIET-NAM. THEY HAVE EVEN GONE SO FAR AS TO SPECIFY THE USE OF STATE DEPARTMENT LETTERHEAD WITH SEAL AND I WOULD BE SIGNING AS A REPRESENTATIVE OF THE DEPARTMENT OF STATE UNDER THE AUTHORITY OF THE SECRETARY OF STATE. THIS, OF COURSE, CAN BE DONE AND I COULD SIMPLY SIGN UNDER THE TITLE OF, FOR THE SECRETARY OF STATE OF THE UNITED STATES.

4. HOWEVER, I AM COMPLETELY OPPOSED TO MAKING ANY CONCESSION AT ALL ON THIS POINT. I BELIEVE THAT WE SHOULD QUIETLY, POLITELY BUT VERY FIRMLY STATE THAT WE WILL FOLLOW THE PREVIOUS PROCEDURE WHICH, AFTER ALL, HAS ALREADY BEEN USED AND ACCEPTED BY THE DRV; THAT WHAT IS INVOLVED IS THE RETURN OF THE REMAINS OF MILITARY PERSONNEL; THAT SUCH PROCEDURES ARE UNDER THE JURISDICTION OF THE DEPARTMENT OF DEFENSE; AND NO MORE THAN THE DRV WOULD PERMIT THE USG TO INSTRUCT IT ON ITS INTERNAL PROCEDURES, WILL WE PERMIT THEM TO INSTRUCT US ON OUR INTERNAL PROCEDURES; THAT THE CHIEF OF THE USDEL TO THE FPJMT HAS BEEN DELEGATED THIS AUTHORITY AND IT IS NOT WITHIN THE JURISDICTION OF THE DRV TO INSTRUCT US TO PERFORM THE CERTIFICATION SOME OTHER WAY.

5. UPON REFLECTION, THE PLOY IS RATHER OBVIOUS. AFTER THE RETURN OF THE DICS, OUTSIDE OF THE FOUR PARTY FRAMEWORK, AS THEY WILL ALLEGE, MORE AND MORE PRESSURE WILL BE EXERTED TO COME TO BILATERAL ARRANGEMENT EVEN INVOLVING INVESTIGATION IN GVN CONTROLLED TERRITORY, ALL DESIGNED TO MAKE FPJMT MECHANISM UNWORKABLE, BUT OUR FAULT BECAUSE WE DID NOT CONFORM TO THE PRECEDENT THEY ARE NOW TRYING TO CREATE. MORE IMMEDIATELY, THEY CAN COMPLETELY SABOTAGE THE PRINCIPLES OF THE PRISONER EXCHANGE, AND THEN BLAME THE FAILURE OF THEIR RETURN OF THE LAST HALF OF THE DICS ON OUR FAILURE TO BRING THE US PUPPET IN LINE TO ACCEPT WHATEVER IMPOSSIBLE DEMANDS THEY MAY SURFACE.

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6. EVEN IF THEY BACK DOWN FROM THIS CURRENT DEMAND ON "CERTIFICATION" AS I THINK THEY WILL, WE STILL FACE THIS DANGER. BUT WE SHOULD NOT COMPOUND THE POSSIBLE DAMAGE BY YIELDING ANY FURTHER.

7. I, THEREFORE, REITERATE MY RECOMMENDATION THAT WE QUIETLY, MOST POLITELY, BUT NEVERTHELESS FIRMLY, INSIST ON FOLLOWING PRECISELY THE SAME PROCEDURES AS PREVIOUSLY APPROVED BY HANOI WHICH WILL RESULT IN THE CERTIFICATION BEING ISSUED BY COLONEL TOMBAUGH IN HIS POSITION AS CHIEF OF THE UNITED STATES DELEGATION TO THE FOUR PARTY JOINT MILITARY TEAM.

8. CHUSDEL FPJMT HAS APPOINTMENT WITH CHDRVDEL SUNDAY TO DISCUSS THIS SUBJECT. UNLESS THERE IS SOME OVERRIDING REASON HE SHOULD PURSUE A COURSE OTHER THAN THAT OUTLINED IN PRECEEDING PARAGRAPH HE INTENDS TO FOLLOW THIS LINE.

MARTIN

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